

REMARKS/ARGUMENTS

Claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 are currently pending.

35 U.S.C. § 103(a)

Claims 1-3, 7-22, 29, 33, 46, 47, 51-57, 61-69, 73-82, 86-95, 99-110, 114-126, 130-143, 147-160, and 163-178 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,241,686 (Charbonnier), in view of Jones, U.S. Patent No. 6,192,245.

Claims 4-6, 23, 24, 31, 32, 35-37, 48-50, 58-60, 70-72, 83-85, 96-98, 111-113, 127-129, and 144-146 stand rejected under 35 U.S.C. §103 as unpatentable over Charbonnier, in view of Jones, U.S. Patent No. 6,192,245, and further in view of U.S. Patent No. 5,640,677 (Karlsson).

As discussed previously by Applicant, Charbonnier (US-5,241,686), discloses a method for optimising the distribution of the radio electric load on a radio communication cellular network between fixed delays. The document clearly discloses in column 6, that a synthesiser is positioned successively and cyclically on each of the frequencies (of the radio channels used as beacon routes). Then for each frequency, the output signal from the modem is analysed by the unit to determine if it is a beacon route, and if necessary to read the characteristic data of the relay amongst which the value of the field correction parameter (H), and simultaneously the field strength or power (E) of the electric field for the beacon route. The unit then computes the difference between the power of the received field and the field correction parameter and stores the field in memory.

It is only when the mobile has scanned the entire set of beacon routes listed in the table of frequencies, including the beacon route of the channel in which it is currently located, that the unit compares the values of the corrected fields and determines the beacon route having the highest corrected value.

Thus Charbonnier, as accepted by the Patent Office, does not disclose the features of measuring the time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell, at least one of the measured strength having been modified in the modifying step; and changing the current cell with which the station is associated, wherein the current cell is changed only if the results of the timing step are such that the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell, at least one

Serial No.: 10/030,798

Group Art Unit: 2618

of the measured strength having been modified in the modifying step for a predetermined time period”.

Therefore claim 1 is novel over Charbonnier.

The Examiner suggests that the features disclosed above and recited in claim 1 can be found from the Jones et al (US-6,192,245) document.

Jones et al discloses a method for determining a handover for a mobile station in a multi-cellular communication system having a serving cell, a plurality of neighbouring cells, and at least one control cell where the cell includes at least one macro cell and a plurality of micro cells. The document does disclose as indicated in the flow diagram of Figure 2 and the Figure 1 that the mobile station monitors measurement reports for the serving cell and neighbour cells, and that when a mobile station served by a cell 3 detects that a neighbour cell 4 is being received at a power which exceeds a threshold, it starts a timer.

Furthermore, when the timer is running, the signal received from the neighbour cell is then compared with a signal received from a control cell. If the power received from the control cell is greater than that received from the neighbour cell, it may be determined that the mobile station is fast moving and the handover to the macro cell layer should be affected.

Although Jones et al does disclose the user of a timer, it is used completely differently from the timer as recited in the claim. There furthermore is no measurement of the time for which the measured strength of the communication from the at least one other cell exceeds the measured strength of the communication from the current cell.

The method discussed in Jones is one where by monitoring the micro cells within a single macro cell it is possible to determine whether or not the mobile station is fast moving through the macro cell and therefore should be handed over the neighbouring macro cell. However the only measurement of energy discussed is with regards to the micro cells and not between adjacent macro cells.

Furthermore, the method as described in Jones et al, initially measures the strength of the neighbour cell and current cell (or serving cell), however then once the timer is running only compares the signal strength received from the neighbour cell and a control cell – the control cell being different from the current or serving cell. As such, therefore, there is no disclosure of the current cell is changed only if the results of the timing step are such that the measured strength of

Serial No.: 10/030,798

Group Art Unit: 2618

the communication from the at least one other cell exceeds the measured strength of the communication from the current cell.

Furthermore, the disclosure within Jones et al indicates that the handover to the macro cell is only carried out if the power received from the control cell is greater than that received from the neighbour cell, which is once again different from the claimed invention where the handover occurs in a communication when the at least one other cell exceeds the measured strength of the communication from the current cell for the time defined by the timer measurement.

Thus, claim 1 is novel over Jones et al for these reasons.

Furthermore, therefore even in combination, Charbonnier and Jones et al do not disclose all of the features of claim 1 nor of the other independent claims.

Karlsson does not remedy the deficiencies of Charbonnier and Jones.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 under 35 U.S.C. 103(a) based on Charbonnier in view of Jones or Charbonnier in view of Jones and Karlsson, and to allow all of the pending claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 as now presented for examination. An early notification of the allowability of claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 is earnestly solicited.

Serial No.: 10/030,798
Group Art Unit: 2618
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